

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CARLOS DE LA ROSA,

Plaintiff,

v.

MARTIN J. O'MALLEY,
Commissioner of Social Security,

Defendant.

Case No. 5:24-cv-00129-SB-JPR

ORDER ACCEPTING FINDINGS,
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the complaint, the original briefing filed by the parties, the Magistrate Judge's Report and Recommendation, the objections thereto, and other records on file herein. The Court also ordered the government to provide supplemental briefing on the question of whether Plaintiff would be entitled to benefits on remand under a new rule not in effect at the time of the administrative law judge's (ALJ) decision. The government did not provide a clear response. Having considered the matter, the Court declines to apply the new rule in light of the principle that a "reviewing court generally applies the law in effect at the time of the ALJ's decision." *E.g., Linda L. v. Berryhill*, No. 18-CV-01817-DFM, 2019 WL 2413009, at *2 (C.D. Cal. June 7, 2019); *see also Dial v. O'Malley*, No. 23-3423, 2024 WL 4471510, at *1 (9th Cir. Oct. 11, 2024) (declining to apply a new rule to a decision rendered before its effective date). Accordingly, the Court accepts the findings and recommendations of the Magistrate Judge.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's request for an order remanding this case for an award of benefits is DENIED.

2. The Commissioner's decision is REVERSED and this case is REMANDED for further proceedings.
3. Judgment be entered consistent with this order.
4. The clerk serve this Order and the Judgment on all counsel or parties of record.

Date: November 27, 2024



Stanley Blumenfeld, Jr.
United States District Judge